

ESTTA Tracking number: **ESTTA566375**Filing date: **10/22/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Michael E Forte		
Entity	Individual	Citizenship	UNITED STATES
Address	PO Box 272672 Tampa, FL 33626 UNITED STATES		

Correspondence information	Michael E Forte President Co-leash Co, Inc DBA Kryptaglow PO Box 272672 Tampa, FL 33626 UNITED STATES coleash@netzero.net Phone:813-920-1910
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Registration Subject to Cancellation

Registration No	4202144	Registration date	09/04/2012
Registrant	Bragg, Daniel A. 7065 Watershed RD Morganton, NC 28655 UNITED STATES		

Goods/Services Subject to Cancellation

Class 020. First Use: 2011/05/00 First Use In Commerce: 2011/05/00
All goods and services in the class are cancelled, namely: Knife handles not of metal

Grounds for Cancellation

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
The mark comprises matter that, as a whole, is functional	Trademark Act section 2(e)(5)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
The registration is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used.	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is deceptively misdescriptive	Trademark Act section 2(e)(1)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2970035	Application Date	10/21/2003
Registration Date	07/19/2005	Foreign Priority Date	NONE
Word Mark	KRYPTAGLOW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 002. First use: First Use: 2003/10/18 First Use In Commerce: 2003/10/18 Chemical additive used to produce glow in the dark household products, safety products, and novelty items, sold as an integral component of paint		

Attachments	KRYPTAGLOW is the creation and owned by the Co.pdf(143200 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/MICHAEL FORTE/
Name	Michael E Forte
Date	10/22/2013

KRYPTAGLOW™ is the creation and owned by the Co-leash company DBA "Kryptaglow" since 2005 used since 2003 or 2004. The name is also used to describe products that glow in the dark, it has been branded on thousands of products throughout the USA and Canada. All of them Glow in the dark with our Secret Ingredient we also call **KRYPTAGLOW**™. Any similarity to it in anyway is infringement and confusing. Your office was deceived with the application you were presented by it stating "knife handles not of metal." and Using the Name KRYPTOGLOW, What was not stated is he is misrepresenting himself as a glowing knife handle and gun handle manufacturer using KRYPTAGLOW which he is not. He is using our likeness and had intended to when he applied to you based on his current website and use of this name. Even our Green LOGO which we use on all our products designating they Glow in the dark with and from Kryptaglow. OUR MARK. **KRYPTAGLOW**™

We described is as ingredient or chemical additive that is added to household goods, paints safety and novelty products to make them glow. We make PAINT, with the name on it he's painting his product with a glow paint not associated with ours. Misrepresenting himself in commerce and causing confusion.

This is a direct violation of trademark law and should have not been granted had the application been truthful in its use and meaning. I Michael E. Forte' Created this name from nothing else. To be used in its entirety by my company and its Licensed customers. Any likeness what so ever implying it is CO-leash DBA Kryptaglow is a direct violation and confusing, deceptive and should have not been granted to begin with. We can state many legal reasons for conflict here. We do not know these people but their intention was clear. For these reasons we wish this mark cancelled and any similarity to it refused in the future. We had a clearly establish business under this name in the market place for many years. Kryptaglow is currently in good standing any similarity could cause damage to a well establish product and marking program and is clearly fraud . Any and all legal action will be taken to rectify this clear misrepresentation and damages due.